

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CITIBANK N.A., and
CITIGROUP GLOBAL MARKETS, INC.,

Plaintiffs,

v.

ROBERT V. KYLE, III,

Defendant.

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CIVIL ACTION

No. 15-3298

ORDER

AND NOW, this 16th day of June, 2015, upon consideration of Plaintiffs' ("Citi") Motion for a Temporary Restraining Order, A Preliminary Injunction and Expedited Discovery, (Doc. No. 4), the Response in Opposition filed by Defendant, and the arguments made during the June 15, 2015 hearing, it is hereby **ORDERED** that:

1. A temporary restraining order is issued immediately. Citi must post security in the amount of \$5,000.00.

2. Defendant and all those acting in concert with him, including but not limited to the directors, officers, employees and agents of Morgan Stanley, are temporarily enjoined and restrained, directly or indirectly, from:

(a) soliciting, contacting or communicating with any client whom Defendant served while he was employed at Citi or whose name became known to Defendant by virtue of his employment with Citi, for the purpose of inviting, encouraging, persuading or requesting any such client to do business with Defendant at Morgan Stanley or seeking to have any such client discontinue or diminish any business relationship with Citi;

(b) hiring, soliciting, inducing or encouraging any current Citi employee to leave Citi or to apply for employment elsewhere, including but not limited to Morgan Stanley, or assisting Morgan Stanley in hiring or attempting to hire Citi employees; and

(c) directly or indirectly using, disclosing or transmitting for any purpose Citi's books, records, documents and/or information pertaining to Citi, Citi's customers, and/or Citi's employees.

3. Defendant, and all those acting in concert with him, including but not limited to the directors, officers, employees and agents of Morgan Stanley, are further ordered to return to Citi or its counsel, Citi's records, documents and/or information in whatever form (whether original, copied, computerized, electronic or handwritten), pertaining to Citi, Citi's customers, and/or Citi's employees, within 24 hours of notice to Defendant or his counsel of the terms of this Order.

4. This temporary restraining order is binding upon Defendant, his agents, servants, employer, any entity with which he is employed or affiliated, and those in active concert or participation with him who receive actual notice of this Order.

5. This Order shall remain in full force and effect for a period of ten business days pursuant to Fed. R. Civ. P. 65.

6. The parties are directed to proceed with arbitration in accordance with Rule 13804 of the FINRA Code of Arbitration Procedure for Industry Disputes.

7. This Order does not include any clients who Kyle previously serviced at Wells Fargo or brought with him to Citi.

8. Citi's Motion for Expedited Discovery is **DENIED AS MOOT**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE